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Attorneys for Plaintiff,

PHOENIX SOLUTIONS, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

PHOENIX SOLUTIONS, INC.

Plaintiff(s),

v.

WELLS FARGO AND CO,

Defendant(s).

No. C 08-00863 EMC

**DECLINATION TO PROCEED BEFORE
A MAGISTRATE JUDGE**

AND

**REQUEST FOR REASSIGNMENT TO A
UNITED STATES DISTRICT JUDGE**

REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE

The undersigned party hereby declines to consent to the assignment of this case to a United States Magistrate Judge for trial and disposition and hereby requests the reassignment of this case to a United States District Judge.

Dated: 2/12/08

Signature /s/

Counsel for Plaintiff

(Plaintiff, Defendant, or indicate "pro se")

PROOF OF SERVICE

I am over the age of 18 years, employed in the County of Los Angeles, and not a party to the above entitled action. My business address is 9250 Wilshire Blvd., Suite 325, Beverly Hills, California 90212.

On February 12, 2008, I served:

DECLINATION TO PROCEED BEFORE A MAGISTRATE JUDGE AND REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE

by transmitting to:

CORPORATION SERVICE COMPANY
2711 Centerville Rd., Ste. 400
Wilmington, DE 19808
Registered Agent for Service
For Defendant, WELLS FARGO AND CO.

[X] BY MAIL: I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on the same day with postage thereon fully prepaid at Beverly Hills, California, in the ordinary course of business. I am aware that on the motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date of deposit for mailing shown on this proof of service.

[X] FEDERAL: I declare, under penalty of perjury under the laws of the United States that the foregoing is true and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on February 12, 2008, at Beverly Hills, California.

/s/

Michiko Speier